

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

**ADRIANNA MORALES, AS NEXT
FRIEND OF A MINOR D.J.M., LAVON
BETH MEYER AND LEE ALLEN
MEYER INDIVIDUALLY AND AS
REPRESENTATIVE OF THE ESTATE
OF LYNDON DEAN MEYER**

Plaintiffs § CIVIL ACTION NO.: 2:19-cv 00094

v.

**OK TRANS INC DBA OK TRANSPORT
AND SATNAM SINGH LEHAL**

Defendants §

**OK TRANS INC. DBA OK TRANSPORT AND SATNAM SINGH LEHAL'S
THIRD PARTY COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME, OK TRANS INC. DBA OK TRANSPORT AND SATNAM SINGH LEHAL, Defendants and Third-Party Plaintiffs, pursuant to Rule 14 of the Federal Rules of Civil Procedure, file this, their Third-Party Complaint against Third-Party Defendant TEXAS DEPARTMENT OF TRANSPORTATION ("TXDOT") and would respectfully show the Court the following:

I. PARTIES

1. Plaintiffs are residents of Goliad County, Texas.
2. Defendant/Third-Party Plaintiff, OK TRANS INC. DBA OK TRANSPORT is a California corporation with its principle place of business in Sacramento, California.
3. Defendant/Third-Party Plaintiff, SATNAM SINGH LEHAL is a resident of California.
4. Third-Party Defendant, TEXAS DEPARTMENT OF TRANSPORTATION is a

department of the State of Texas and it may be served by serving its Executive Director: James M. Bass, 125 E. 11th St., Austin, Texas 78701.

5. All acts and/or omissions of negligence by Third-Party Defendant, or each of them, as alleged herein, occurred in Bee County, Texas. Plaintiffs filed suit against Defendants in the United States District Court for the Southern District of Texas – Corpus Christi Division. This Court has jurisdiction and is proper venue for the claims alleged in this third-party complaint because the claims seek apportioned liability to the Third-Party Defendant as it is liable for all or part of the Plaintiffs' claims.

II. FACTS

6. This suit arises from a motor vehicle accident which occurred on December 26, 2018 on State Highway 202 in Bee County, Texas between Decedent, LYNDON DEAN MEYER, and a tractor-trailer owned by Defendant/Third-Party Plaintiff OK TRANS INC., DBA OK TRANSPORT and driven by Defendant/Third-Party Plaintiff SATNAM SINGH LEHAL. Plaintiffs allege Defendant LEHAL was responsible for crossing into the oncoming lane of traffic creating contact with Decedent's vehicle.

7. At the time of this accident, TxDOT was responsible for the condition of the portion of State Highway 202 relevant to this matter. According to an investigation by TxDOT after this accident the portion of roadway involving this accident was found to have a defective surface condition. Third-Party Plaintiffs are filing this complaint based on the contention that TxDOT's failure to properly maintain the subject roadway or repair the defective condition caused and/or contributed to the accident that is the subject of this litigation.

III. CAUSE OF ACTION

8. The cause of actions asserted are for apportioned liability for the negligent acts and/or omissions of Third-Party Defendant Texas Department of Transportation who is liable to the Plaintiffs in whole or in part. The claims arise out of the same factual matters alleged in Plaintiffs' First Amended Petition. Thus, the presence of the Third-Party Defendant is necessary for the disposition of the suit.

9. Third-Party Plaintiffs seek to have liability apportioned to Third-Party Defendant TXDOT pursuant to and permitted under Chapter 33 of the Texas Civil Practice and Remedies Code ("CPRC"). While Third-Party Defendant is an entity operating on behalf of the State of Texas, Third-Party Plaintiffs maintain the state has waived its sovereign immunity in this matter pursuant to Chapter 101 of the CPRC.

10. Specifically, Third-Party Plaintiffs maintain that TXDOT owed a duty to warn of the special defect involved in this accident. Because TXDOT failed to warn of the unsafe road conditions, the parties in this accident proceeded on the roadway as if under normal conditions. Since the road conditions were defective, there was decreased ability to control the vehicle in the accident at issue in this matter. Third-Party Plaintiffs maintain TXDOT knew or should have known of the defective road condition at the time of this accident and, as such, failed to properly warn of the condition. This omission falls within the purview of Chapter 101 of the CPRC which does not allow the State of Texas to claim sovereign immunity in this suit.

IV. PRAYER

WHEREFORE PREMISES CONSIDERED, Third-Party Plaintiffs ask the Court to issue a citation for Third-Party Defendant, Texas Department of Transportation to appear and answer

in this matter. Third-Party Plaintiffs seek to have liability apportioned to Third-Party Defendant for its share of the liability in this case to the extent as decided by this Court or a jury. Additionally, Third-Party Plaintiffs request such other and further relief, both special and general, at law or in equity, to which they may show themselves justly entitled.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing has been forwarded to the following counsel of record in compliance with the Federal Rules of Civil Procedure on this 9th day of October, 2020.

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